

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA )  
                              )  
v.                          )        CASE NO. 3:12-CR-171  
                              )  
STEVEN MARSHALL FOUT   )

**UNITED STATES' NOTICE OF FACTUAL BASIS**

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, hereby files this Notice of Factual Basis. In support of the defendant's guilty plea, the defendant agrees and stipulates to the following facts, which satisfy the offense elements as to each count in the Superseding Indictment (Doc. 12). These are the facts submitted for purposes of the defendant's guilty plea. They do not necessarily constitute all of the facts in the case. Other facts, to include victim restitution, may be relevant to sentencing. The United States retains the right to present additional facts to the Court to ensure a fair and appropriate sentence in this case.

On October 1, 2009, an FBI special agent in the San Diego, California, office signed into a file-sharing program utilizing the undercover username "01\_pedoguy\_10." After logging on, the special agent received a friend request from the defendant, who was utilizing the username "Lilboystoys," and accepted it. Once the special agent connected to "Lilboystoys," the defendant sent the agent a message stating "pass is 3320." The special agent entered that password for the password protected "G" folder and was able to access the contents of the folder. The special agent downloaded 105 image files that depicted child pornography from the defendant's computer.

On October 2, 2009, a federal search warrant was executed at the defendant's residence, 157 Limestone Drive in Sweetwater, Tennessee. FBI agents seized the defendant's computer, computer components and thumb drives, which contained images and videos of child pornography.

That day, the defendant was interviewed by special agents. The defendant admitted that he shared child pornography on file-sharing software using the screen name "Lilboystoys." The defendant told agents that he had viewed images of child pornography depicting children from ages two to seventeen. The defendant also consented to the search of his computer equipment and signed a consent to search computers form.

Based on a hash value comparison, 147 image files found on the defendant's computer, thumb drives and other devices were identical to those 105 image files downloaded by the special agent on October 1, 2009. There were multiple copies of the same images downloaded on October 1, 2009, located on either the defendant's same media but in different folders, or on different media. Thirty-six images downloaded on October 1, 2009, were identified by the National Center for Missing and Exploited Children (NCMEC) as being associated with identified children.

A forensic examination of the seized computer equipment revealed over 600 still images and 104 video files of child pornography (including some duplicates). Approximately 189 files, including 147 pictures and 42 videos, contain one or more aggravating factors, such as portraying sadistic or masochistic conduct or other violence or involving children under the age of 12 years old. Forty-two videos are longer than five minutes in duration. The Child Victim

Identification Program compared the images of suspected child pornography and matched 761 images and one video to 39 known victims.

Respectfully submitted this 17th day of June, 2013.

WILLIAM C. KILLIAN  
United States Attorney

By: s/Melissa M. Kirby  
Assistant U.S. Attorney  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902  
(865) 545-4167

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 17, 2013, a copy of the foregoing Notice of Factual Basis was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, namely:

Bobby E. Hutson, Jr.  
Federal Defender Services  
of Eastern Tennessee, Inc.  
800 South Gay Street, Suite 2400  
Knoxville, Tennessee 37929-9714

s/Melissa M. Kirby  
Assistant U.S. Attorney  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902  
(865) 545-4167